

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEMTRON CORPORATION,

Plaintiff,

-vs-

Case No. 1:04-0387
Hon: AVERN COHN

SAINT-GOBAIN CORPORATION,

Defendant.

/

MODIFIED ORDER RELATING TO PENDING MOTIONS

On January 15, 2008, the Court ruled on the motions *in limine*. The Court was spartan in its rulings. A motion *in limine* is a pretrial procedural device designed to prevent the introduction of potentially prejudicial matters from being displayed to a jury, and is generally subject to reconsideration at trial. As stated in 75 Am. Jur.2d Trial §39:

[it is] a salutary device to avoid the impact of unfairly prejudicial evidence upon a jury and to save a significant amount of time at trial.

See also, United States v. Luce, 713 F2d 1236, 1239 (6th Cir 1983).

Accordingly:

1. Gemtron shall have the right at trial to object to the testimony of Dr. Henry Stoll as to his qualifications and as to particular questions.
2. While the Court stated that Saint-Gobain may not call Vincent Ramik as a witness, it may call him as a witness. However, no mention shall be made of Mr. Ramik

as a witness until he is actually called as a witness and a proffer made of his proposed testimony. All this shall be outside the presence of the jury.

3. In denying the motion *in limine* relating to evidence of the broken shelves, the Court did not intend to rule that such evidence was admissible. However, no mention shall be made of broken shelves in the presence of the jury until the Court has an opportunity to consider the admissibility of such evidence.

4. In deeming moot Gemtron's Motion For Sanctions [etc], the Court made no substantive ruling on a party's right to sanctions or a party's obligation to fulfill discovery obligations.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: January 16, 2008

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, January 16, 2008, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160